



## Region 7

Iowa  
Kansas  
Missouri  
Nebraska

## Fact Sheet

January 2005

### Missouri Water Quality Standards Consent Decree and Settlement Agreement

#### BACKGROUND

The state submitted water quality standards (WQS) to EPA in 1994 and 1996. EPA sent a letter to the state in Sept. 2000, which included a section for disapproved revised standards; a section requesting that the EPA Regional Administrator (RA) make a determination; and a section for items to be addressed in the next triennial review.

The Missouri Coalition for the Environment filed a complaint against EPA on Oct. 14, 2003. The lawsuit alleged that EPA failed to meet its duties under the Clean Water Act to propose and promulgate WQS for Missouri.

Federal District Judge Nanette K. Laughrey approved a settlement agreement between EPA and the Missouri Coalition for the Environment on Dec. 27, 2004.

The state was not a party to the settlement. However, EPA consulted with the state during the litigation. The state also participated in meetings and helped formulate dates by which the rulemaking could be accomplished.

The Association of Metropolitan Sewerage Agencies and the Urban Areas Coalition intervened in the litigation in April 2004. These parties were not involved in the negotiations. EPA did agree to give them notice of certain actions. They reviewed the agreement and did not object to it.

#### CONSENT DECREE DETAILS

Under the Consent Decree, EPA will require the state to make additional modifications to their WQS. In some cases, EPA will need a scientifically defensible rationale to support the state's action. If not approvable, EPA will propose and promulgate new standards.

EPA must sign a Notice of Proposed Rulemaking by April 30, 2006, unless the state submits new WQS and EPA approves them by that date. Final rulemaking on promulgating WQS must occur by Dec. 15, 2006, unless the state submits new WQS and EPA approves them by that date. EPA is not required to promulgate if the Agency withdraws its disapproval of WQS.

##### ***Seven disapprovals from Sept. 2000:***

1. Site-specific criteria for dissolved oxygen
2. Dissolved Metals criteria for drinking water
3. Criteria for protection of Aquatic Life
4. Criteria for Human Health Protection
5. Criteria for Drinking Water Supply
6. Designated cold-water sport fisheries
7. Designated beneficial uses

#### SETTLEMENT AGREEMENT DETAILS

EPA must make a determination on or before April 30, 2006, whether new or revised WQS are necessary for each of the six items listed in the settlement agreement.

***Those six items are:***

1. Antidegradation of Outstanding Natural Resource Waters
2. Designation of Whole Body Contact Use
3. Bacterial indicators for Primary Contact Recreation
4. Site-specific criteria
5. Mixing zones in low-flow streams
6. High flow exemption

EPA must make a determination on or before April 30, 2007, whether antidegradation implementation procedures are necessary.

If the state submits the above listed items on or before the scheduled deadlines, EPA does not have to make any determinations and EPA has no further obligations under the settlement agreement.

The normal statutory process will take place when the state submits new or revised WQS. EPA must review them and either approve or disapprove them. If any are disapproved, the state must address the disapproval and resubmit the revised WQS to EPA.

**ADDITIONAL INFORMATION**

If you have questions or need additional information about the Consent Decree and Settlement Agreement, please contact:

**Martha Steincamp**

Office of Regional Counsel

EPA Region 7

901 North 5<sup>th</sup> Street

Kansas City, Kansas 66101

Phone: 913-551-7246

Toll-free: 1-800-223-0425

E-mail: [steincamp.martha@epa.gov](mailto:steincamp.martha@epa.gov)